

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE,)
)
Plaintiff)
)
vs.) Case No. 4:07CV00101 RWS
)
TOM NEER, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff John Doe was convicted of sexual assault in New Jersey in 1981. Doe filed this suit against Defendants Tom Neer, Debbie Sloan, Jack Banas, St. Charles County, Missouri and James Keathley, the superintendent of the Missouri Highway Patrol, because they assert that Doe must register as a sex offender under Missouri's Sex Offender Registration Act. Doe requests a declaration that applying the Sex Offender Registration Act to him violates the United States and Missouri Constitutions. He also seeks injunctive relief barring Defendants from requiring him to register as a sex offender and directing Defendants to cease publicly disseminating information that was obtained from him when he previously registered.

On February 5, 2008, I granted Keathley's motion to dismiss for failure to state a claim because Doe had informed me that his permanent address was in Clarkson, Tennessee. Doe has now clarified that his letter evidenced a desire to move to Tennessee, but that he never moved to Tennessee. He also argues that recent decisions of Missouri courts indicate that the date of conviction, not the date of domicile, is the relevant date for purposes of determining retroactivity under the Missouri Constitution. Doe has now requested that I vacate my non-final order

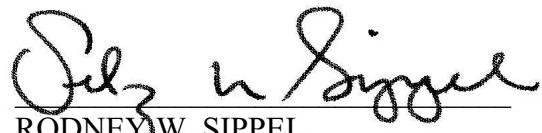
granting Keathley's motion to dismiss.

In light of Doe's clarification and the developing law in Missouri courts, I will vacate my order dismissing Keathley from this case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to reconsider and vacate order dismissing Defendant James Keathley [#74] is **GRANTED**.

IT IS FURTHER ORDERED that my order dismissing James Keathley [#61] is
VACATED.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of October, 2008.